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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Edward Colles Nevill
Serial No. : 10/066,475
Filed : February 1, 2002
For : INTEROPERABILITY WITH MULTIPLE
INSTRUCTION SETS
Examiner : TBA
Group Art Unit : 2758

I hereby certify that this paper is being deposited
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Andrew Fessak 48,528
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Andrew Fessak 5/2/02
Signature Date of Signature

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Group 2758
Assistant Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

Applicant submits this communication and the attached Form PTO-1449 in compliance
with 37 C.F.R. §§1.56, 1.97 and 1.98.

This application is a reissue application for U.S. Patent No. 6,021,265, issued February 1,
2000 ("the '265 patent"), which was granted on Serial No. 08/840,557 ("the 557 application").

Copies of certain documents listed on the Form PTO-1449 were previously submitted in Applicant's Information Disclosure Statements filed in connection with the '557 application. Applicant submits there is no requirement to resubmit with this Information Disclosure Statement copies of the references listed in the Information Disclosure Statements filed in the '557 application.

Applicant does not concede that any of the materials submitted with this paper are prior art or material to patentability.

Documents from *ARM Limited v. picoTurbo, Inc.*, Case No. C-00-00957 (N.D. Calif.)

Pursuant to 37 CFR § 1.56 and Section 2001.06(c) of the MPEP, Applicant has identified certain materials on Form PTO-1449, and provided copies of those materials, indexed and in binders, that relate to litigation involving the '265 patent in *ARM Limited v. picoTurbo, Inc.*, Case No. C-00-00957 in the United States District Court for the Northern District of California (*ARM v. picoTurbo*). In that case, the assignee of the present application sued defendant picoTurbo, Inc. for infringement of its patents, including the '265 patent.

The validity of the '265 patent was not successfully challenged in *ARM v. picoTurbo*. Rather, defendant picoTurbo agreed to entry of a consent judgment acknowledging the validity of the '265 patent, among others.

Nevertheless, in the interest of ensuring full compliance with all applicable rules, and out of an abundance of caution, documents from *ARM v. picoTurbo* that are identified herein include: (1) discovery responses, (2) defendant's disclosures of what it characterized as prior art, (3) claim construction briefs, (4) a court order as to claim construction, (5) expert reports submitted by each of the parties relating to validity of the patents, and (6) briefs and expert declarations

relating to summary judgment proceedings concerning the validity of the '265 patent (among others).

The reported documents from the *ARM v. picoTurbo* litigation are not believed to include prior art. Rather, they contain attorney argument and opinions of technical experts hired by the parties. Applicants are not presently relying upon or asserting any of the arguments or facts recited in these documents as a basis for allowance of the present application.

In order to assist the Examiner, Applicant provides the following brief explanation of the reported documents from *ARM v. picoTurbo*. The litigation involved seven patents including the '265 patent and U.S. Patent No. 5,758,115 ("the '115 patent"), which issued on the parent of the '575 application that issued as the '265 patent. Because several of the documents contain portions that relate to ARM patents other than the '265 and '115 patents, that may contain confidential information of one or both parties, and that are not believed to be relevant to the present application, Applicant has redacted those portions of the documents. Redactions from the relevant documents are indicated in the respective documents by the word "REDACTED." Where a table of contents existed for the document, the table of contents is provided in its entirety.

Japanese Patent Publication No. 52-40826

Applicant is not submitting a translation of Japanese patent publication no. 52-40826, cited in an Office Action in the Japanese member of the same patent family as the instant application. The cited document was identified by the Japanese Patent Office as not disclosing information which would constitute any reasons for rejecting the Japanese counterpart of the patent for which reissue is requested. Applicants believe that the reference therefore constitutes a technical background reference.

TIME OF TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

This Information Disclosure Statement is being filed within three months of the filing date of the application or before the mailing date of a first Office Action on the merits, whichever event occurs last. Therefore, no fee is due in connection with this filing. However, should any fee be deemed necessary in connection with this filing, the Assistant Commissioner is hereby authorized to charge the fee to Deposit Account No. 23-1703.

Dated: May 2, 2002

Respectfully submitted,

A handwritten signature in cursive script, reading "Scott T. Weingaertner", written over a horizontal line.

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